

THE CASE OF WILLIAM GERY Esq;

55

27 Eliz.
1585.

8 Car. I.



William Gery, late of *Over* in the County of *Cambridge* Esquire : the Ancestor of the said *William Gery* being seized in Fee of all the Lands in the Bill mentioned, made a Lease for three hundred years, which hath ever since been kept on foot separate from the Inheritance.

The said term for three hundred years coming to *Richard*, the Grandson of *William* the first Lessor, and the said *Richard* being indebted, and having many younger Children, upon the Marriage of his Eldest Son *William*, who was Father to *William* first named, with *Anne Dyer* the Mother of the said *William* first named; Assigned the said term for three hundred years to Sir *Robert Carr* and others in trust for the payment of Two hundred and fifty Pounds *per annum* to the said *Anne* for her Life, and then in trust for the payment of his Debts, and for raising Portions for younger Children.

The said *William*, the Father of *William* first named, being engaged in the Service of His late *MAJESTY* against the late Usurpers, and by them for that reason Plundered and Sequestred, was not able to pay any the said Debts or Portions, or any Interest for the same, so that what was charged upon the Estate increased.

The said Estate for three hundred years is now by several Mesne Assignments come unto Mr. *Richard March* of *London* Merchant, by way of Mortgage, for securing unto him Five thousand Pounds with Interest, which the said *William* first named lately borrowed of him, to discharge all the Debts and Portions with which the same stood charged : And in this Mortgage the said *Anne* his Mother hath likewise been prevailed with to join the said Estate, not being esteemed otherwise to be sufficient in value to secure Five thousand Pounds.

The Title of the Inheritance.

19 July,
13 Car. II.

The Inheritance of the Premises being continually kept separate from the said term for three hundred years, was in the Thirteenth Year of His now *MAJESTIES* Reign, Vested in *William Gery* first named ; who upon His Marriage with *Mary Salmon* his late Wife, made a Settlement thereof to Uses in such manner, as that the same is now in himself for Life, with Remainder to *Charles* his only Son in Tail, with Remainder to Trustees to raise One thousand Pounds for *Elizabeth*, the sole Daughter of the said *William* first named, by the said *Mary* his said late Wife, with Remainder in Fee to the said *William* first named.

The said *Charles* and *Elizabeth* are Infants very young, and the Remainders, to which they are entituled, are only expectant upon the Determination of the said term for three hundred years ; so that the same can never take effect in possession to the advantage of the said Infants, or either of them, or of their Childrens Children.

There is a necessity that the Premises must be sold for the discharging of the said Debt of Five thousand Pounds, and the Interest ; and though the said *William* first named hath power to sell the said Term for three hundred years, yet the selling of that Estate without the Inheritance will be a very great disadvantage, and will be ruinous to the said Infants, no Purchaser being willing to give near so good a value for any Term of Years as for an Inheritance ; yet the absolute sale of the said Term will be as great a prejudice to the Infants as the sale of the Inheritance.

The said Inheritance, by reason of the Infancy of the said Children, cannot be sold without an Act of Parliament to bar the said Settlement ; and the said *William* first named, as also the said *Anne* his Mother, (who is willing to join in the sale of the said Premises) have agreed, that in case an Act of Parliament may be granted to enable the selling of the Inheritance to the best advantage, the Overplus of the Moneys arising upon the sale shall be disposed of in the Purchase of Lands to be so settled, as that the said *Anne* being secured One hundred and sixty Pounds *per annum* for her Life, (which she is willing to accept of for her present Two hundred and fifty Pounds *per annum*) the same shall be wholly for the benefit of the said Infants after the death of their said Father, as in the Bill is expressed.

It is therefore humbly prayed by all the Parties, That a Bill may pass in Parliament to Vest the said Premises in Trustees to be sold for the payment of the said Debts, and to raise a Surplus of Moneys to be disposed of by the said Trustees as agreed upon, and as is expressed in the said Bill.

Note, There is one particular Farm which is excepted out of the said Bill, and intended not to be sold, in regard it hath formerly been pretended, that there was some Conveyance made thereof to one *William Combes* late of *Grys-Inn* Esq; deceased, since the Vetting of the said Term for three hundred years in Sir *Robert Carr* and his Co-Trustees : for which reason, albeit the said Conveyance (if any such were) cannot affect the Estate, yet in regard there is no absolute necessity to sell that Farm, the same being now Letten but for Twenty Pounds *per annum* Rent, and for that it is not intermixed with the rest of the Premises ; the intention of the Parties being to dispose the Surplus of the Moneys to be raised in the Purchasing of Lands, they have resolved to keep this Farm unfold in the condition it now stands, to avoid Oppositions, rather than to sell it, and Purchase other Lands with the Moneys to be raised by the sale of this Farm,